

for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 25, 1922, the defendant having waived a jury trial and the case having come on before the court for hearing, after the submission of evidence and arguments by counsel the defendant was adjudged guilty and a fine of \$25 imposed.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10392. Misbranding of Pierce's Empress Brand tansy, cotton root, pennyroyal, and apiol tablets. U. S. \* \* \* v. 12 Dozen Boxes of \* \* \* Pierce's Empress Brand Tansy \* \* \* Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13347. I. S. Nos. 10014-t, 10015-t. S. No. W-670.)**

On September 1, 1920, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 12 dozen boxes of Pierce's Empress Brand tansy, cotton root, pennyroyal and apiol tablets, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by Robert J. Cotter, New York, N. Y., on or about March 25, 1920, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets contained iron sulphate, aloes, and pennyroyal oil.

Misbranding of the article was alleged in substance in the libel for the reason that the bottles or packages containing the said article and the accompanying circulars were each labeled in part as follows, (package) "\* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets A Safe Emmenagogue. Always Reliable And Effective. The Best Known Remedy For The Suppression Of The Menstrual Function," (circular) "\* \* \* Tansy, Cotton Root, Pennyroyal and Apiol Tablets \* \* \* The Combined [Celebrated] Female Regulator \* \* \* Delayed Menstruations When the suppression is of long standing \* \* \* take one \* \* \* until four days before the time when the menses should appear. \* \* \* immediately preceding the expected appearance of the menstrual flow, active treatment should begin. Take one \* \* \* three times daily, \* \* \* follow \* \* \* instructions \* \* \* until the desired result is obtained. \* \* \* Irregularities Where the menses are not regular, \* \* \* are invaluable. Take \* \* \* before the expected appearance of the menstrual flow [period] \* \* \*," which statements were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 6, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**10393. Adulteration of coal-tar color. U. S. \* \* \* v. One 1-Pound Can and 3 1-Pound Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14819. I. S. No. 2567-t. S. No. C-2987.)**

On April 19, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 1-pound can and 3 1-pound cans of coal-tar color, remaining unsold in the original unbroken packages at Houma, La., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., on or about February 25 and March 15, 1921, respectively, and transported from the State of Missouri into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, respectively: "No. 90, Lb. 1 Net W. B. Wood Mfg. Co., St. Louis, Mo. Yellow" and "1 Lb. Net W. B. Wood Mfg. Co. \* \* \* Complies with all requirements. Warranted Quality Color Number 710 Contents Yellow" or "Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it con-